

PlnDue, DscIsDue, Repeat, PRVDISM, IndBusDB, APPEAL

**U.S. Bankruptcy Court
Eastern District of New York (Central Islip)
Bankruptcy Petition #: 8-15-74795-ast**

Assigned to: Judge Alan S Trust
Chapter 11
Voluntary
Asset

Date filed: 11/09/2015
341 meeting: 12/18/2015
Deadline for filing claims: 01/25/2016
Deadline for filing claims (govt.): 05/09/2016

Debtor**Maura E. Lynch**

24 Ninevah Place

P.O. Box 2340

Sag Harbor, NY 11963

SUFFOLK-NY

SSN / ITIN: xxx-xx-6595

represented by **McBreen & Kopko**

500 North Broadway

Jericho, NY 11753

Kenneth A. Reynolds

McBreen & Kopko

500 North Broadway

Suite 129

Jericho, NY 11753

(516) 364-1095

Fax : (516) 364-0612

Email: kreynolds@mklawny.com**U.S. Trustee****United States Trustee**

Long Island Federal Courthouse

560 Federal Plaza – Room 560

Central Islip, NY 11722-4437

(631) 715-7800

| Filing Date | # | Docket Text |
|-------------|-----------|---|
| 12/22/2015 | <u>56</u> | Order Granting in Part Amended Motion of Stephen S Vaccaro for an Order Excusing State Court Receiver's Compliance with Bankruptcy Code Section 543(a) and (b). The Receiver Motion is granted in part upon the terms and conditions stated herein. The balance of the Receiver Motion shall be on submission as of 1/12/2016 (RE: related document(s) <u>38</u> Amended Notice of Motion/Presentment filed by Creditor Stephen Vaccaro, <u>43</u> Motion to Authorize/Direct filed by Other Prof. Stephen L O'Brien). Signed on 12/22/2015 (dhc) (Entered: 12/22/2015) |
| 01/06/2016 | <u>65</u> | Notice of Appeal to Court. . Fee Amount \$298 Filed by Kenneth A. Reynolds on behalf of Maura E. Lynch (RE: related document(s) <u>56</u> Generic Order). Appellant Designation due by 01/20/2016. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> December 22, 2015 Order)(Reynolds, Kenneth) (Entered: 01/06/2016) |

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

: Case No. 15-74795-ast

MAURA E. LYNCH,

: Chapter 11

: Debtor.
-----X

**ORDER GRANTING IN PART AMENDED MOTION
OF STEPHEN S. VACCARO FOR AN ORDER EXCUSING
STATE COURT RECEIVER'S COMPLIANCE
WITH BANKRUPTCY CODE SECTION 543(a) AND (b)**

On December 10, 2015, this Court conducted an evidentiary hearing on the Amended Motion of Stephen S. Vaccaro for an Order Excusing State Court Receiver's Compliance with Bankruptcy Code Section 543(a) and (b) (docket entry # 38, the "Receiver Motion"). After considering the Receiver Motion, the Joinder to the Receiver Motion (docket entry # 43) filed by Stephen L. O'Brien, the Opposition (docket entry # 45) to the Receiver Motion filed by the Debtor, the evidence adduced at the evidentiary hearing and the argument of counsel at the evidentiary hearing, the Court is of the opinion that, for the reasons stated by the Court on the record at the conclusion of the evidentiary hearing, the relief requested in the Receiver Motion should be granted in part as set forth in this Order. Therefore it is

ORDERED, that the Receiver Motion is granted in part upon the terms and conditions stated herein; and it is further

ORDERED, that that, pursuant to Section 543(d) of the Bankruptcy Code, Stephen L. O'Brien (the "Receiver") is excused from complying with Sections 543(a) and (b) of the Bankruptcy Code with respect to the parcel of real property known as 43 Harbor Drive, Sag Harbor, New York (the "Harbor Drive Property"); and it is further

ORDERED, that the Receiver shall continue in possession of the Harbor Drive Property; and it is further

ORDERED, that the Harbor Drive Property shall be marketed and sold by the Receiver pursuant to procedures that will be issued by this Court in a separate order; and it is further

ORDERED, that the Court will determine the relief requested in the Receiver Motion concerning 24 Ninevah Place, Sag Harbor, New York (the “Ninevah Property”) and 90 Alton Road # 2211, Miami Beach, Florida (the “Alton Property”, and together with the Ninevah Property and Harbor Drive Property, the “Properties”) on the papers that have been submitted by Vaccaro, the Receiver and the Debtor; and it is further


ORDERED, that on or before January 11, 2016, the Receiver shall file a statement reporting (i) whether and the extent to which the Properties are insured against loss, (ii) the amount and identity of the escrowee for the purchase money deposit paid in connection with the contract to sell the Harbor Drive Property (iii) any income generated from the Properties received by the Receiver and (iv) proof and the amount of any bond posted by the Receiver with the state court; and it is further

ORDERED, that on or before January 7, 2016, Vaccaro, the Receiver and the Debtor may, but are not required to, supplement their submissions regarding the relief requested in the Receiver Motion concerning the Ninevah Property and the Alton Property; and it is further

ORDERED, that the balance of the Receiver Motion shall be on submission as of January 12, 2016.

Dated: December 22, 2015
Central Islip, New York




Alan S. Trust
United States Bankruptcy Judge

Official Form 417A (12/15)

IN RE:

MAURA E. LYNCH,
Debtor.

Chapter 11

Case No: 15-74795 (AST)

[Caption as in Form 416A, 416B, or 416D, as appropriate]

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): MAURA E. LYNCH
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☒ Debtor
☐ Creditor
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order of Hon. Alan S. Trust, Docket No. 56
2. State the date on which the judgment, order, or decree was entered: December 22, 2015

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

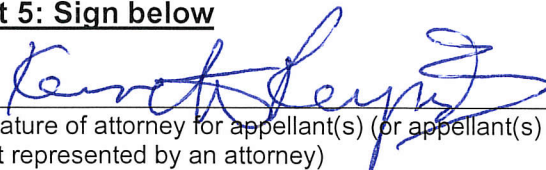
1. Party: Stephen S. Vaccaro Attorney: Patrick Collins, Esq.
Farrell Fritz, P.C.
1320 RXR Plaza
Uniondale, New York 11556
2. Party: Stephen L. O'Brien Attorney: Marc A. Pergament, Esq.
Weinberg Gross & Pergament, LLP
400 Garden City Plaza, Suite 403
Garden City, New York 11530

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below


 Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Date: January 5, 2016

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

Kenneth A. Reynolds, Esq., Partner
McBreen & Kopko
500 North Broadway, Suite 129
Jericho, New York 11753

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

CIVIL COVER SHEET

This form is REQUIRED for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

IN RE: Bankruptcy Case No. 15-74795 (AST) Adv. Pro. No. (if applicable) _____

Bankruptcy Appeal

APPELLANTS

MAURA E. LYNCH

APPELLEES

STEPHEN S. VACCARO
STEPHEN L. O'BRIEN

ATTORNEYS (FIRM NAME, ADDRESS, TEL. NO.)

McBREEN & KOPKO
500 North Broadway, Suite 129
Jericho, New York 11753
(516) 364-1095

ATTORNEYS (IF KNOWN)

| | |
|---------------------------|----------------------------------|
| FARRELL FRITZ, P.C. / | WEINBERG, GROSS & PERGAMENT |
| 1320 RXR Plaza | 400 Garden City Plaza, Suite 403 |
| Uniondale, New York 11556 | Garden City, New York 11530 |
| (516) 227-0700 | (516) 877-2424 |

BASIS OF JURISDICTION: Federal Question

CAUSE OF ACTION - 28:1334 Bankruptcy Appeal (Write brief statement of cause.)

Appeal of order of Bankruptcy Court dated December 22, 2015 which partially excused receiver's compliance with 11. U.S.C. Section 543 and approved the sale of 43 Harbor Drive, Sag Harbor, New York.

NATURE OF SUIT: 422 Bankruptcy Appeal (801)

RELATED CASE(S) IN DISTRICT COURT, IF ANY

DISTRICT JUDGE _____

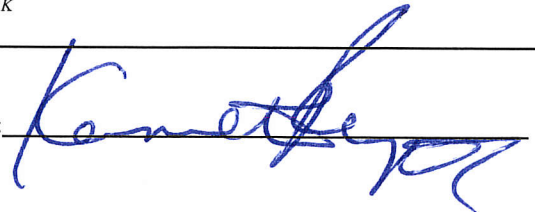
DOCKET NUMBER _____

CIVIL CASES ARE DEEMED RELATED IF PENDING CASE INVOLVED:

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT
☐ 2. SAME ISSUE OF FACT OR GROWS OUT OF THE SAME TRANSACTION
☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT COPYRIGHT OR TRADEMARK

Date: 1/6/2015

Signature of Attorney of Record:
[or Appellant Pro Se]



FOR COURT USE ONLY

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

CIVIL COVER SHEET, Bankruptcy Appeal (cont'd)

Did the cause of action arise in Nassau or Suffolk County? YES

If YES, please indicate which county: SUFFOLK

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

YES ☒

NO ☐

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

YES ☐ (If yes, please explain)

NO ☒

Please provide your bar code and e-mail address below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number, or any other four-digit number registered by the attorney with the Clerk of Court. This information must be provided pursuant to local rule 11.1(b) of the local civil rules.

Attorney Bar Code: 2521797

E-Mail Address: kreynolds@mklawny.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

| | |
|-----------------|-------------------------|
| -----X | |
| In re: | : Case No. 15-74795-ast |
| | : |
| MAURA E. LYNCH, | : Chapter 11 |
| | : |
| | : |
| Debtor. | : |
| -----X | |

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Dated: December 22, 2015
Central Islip, New York




Alan S. Trust
United States Bankruptcy Judge

Notice Recipients

District/Off: 0207-8

User: atennerie

Date Created: 1/7/2016

Case: 8-15-74795-ast

Form ID: pdf000

Total: 3

Recipients of Notice of Electronic Filing:

| | | |
|-----|-----------------------|-------------------------------|
| ust | United States Trustee | USTPRegion02.LI.ECF@usdoj.gov |
| aty | Patrick T Collins | pcollins@farrellfritz.com |

TOTAL: 2

Recipients submitted to the BNC (Bankruptcy Noticing Center):

| | | | | |
|-----|------------------|---------------------------------|-----------------------|-------|
| aty | Marc A Pergament | Weinberg, Gross & Pergament LLP | 400 Garden City Plaza | Suite |
| | 403 | Garden City, NY 11530 | | |

TOTAL: 1